

CITY OF SEATTLE CIVIL SERVICE COMMISSION  
CASE STATUS REPORT  
3rd Quarter 2006

BEFORE THE CIVIL SERVICE COMMISSION:

CASE #	DEPT	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY	HEARING OFFICER
06-07-008	DPD	4-20-06	SMC 4.04.210	Upward Mobility	<i>Appellant alleges DPD Director acknowledged procedural irregularities but provided no meaningful remedy, worsening competitive position of several planners well qualified for out-of-class appointment.</i> Appellant notified by letter that Commission will allow appellant until May 25, 2006 to submit briefs citing specific infractions of the law otherwise appeal is dismissed. Received letter from appellant May 24 <sup>th</sup> . Commission to review at its June 21 <sup>st</sup> meeting. <b>Assigned to CSC Hearing Officer for hearing to determine jurisdiction.</b>	<b>Diane Hess Taylor</b>
06-01-007	Fleets	4-13-06		Whether discharge was for justifiable cause.	<i>Appellant alleges termination was not for just cause and not equal to other discipline in the City for same actions.</i> 1 <sup>st</sup> Pre-Hearing Conference scheduled for June 5, 2006. Oral Arguments scheduled for August 4, 2006. <b>2<sup>nd</sup> Pre-Hearing scheduled for August 25, 2006.</b>	<b>Diane Hess Taylor</b>
06-05-005	DPD	3-16-06	SMC 4.04.180.A.1; 4.04-180.A.3; 4.04-180.B.2; 4.04-180.B	Whether evaluation was performed in accordance with established laws, rules and procedures.	<i>Departments lack of timeliness of performance evaluation.</i>	<b>Gary McLean</b>

CITY OF SEATTLE CIVIL SERVICE COMMISSION  
CASE STATUS REPORT  
3rd Quarter 2006

BEFORE THE CIVIL SERVICE COMMISSION –CONTINUED–:

CASE #	DEPT.	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY	HEARING OFFICER
06-05-003	DPD	2-10-06		Whether evaluation was performed in accordance with established laws, rules and procedures.	<i>Appellant alleges dept failed to comply w/ previous settlement agreement re: appraisal process and procedure. Alleges performance expectations and measurement standards were not reasonable. Appeal returned to CSC from OHE. Appellant notified by letter 3-1-06. Pre-hearing scheduled for April 10, 2006. 2<sup>nd</sup> Pre-hearing scheduled for June 5, 2006. <b>Parties attempting to reach settlement. Scheduled for 3<sup>rd</sup> Pre-Hearing September 19, 2006</b></i>	<b>Diane Hess Taylor</b>
05-01-008	Light	9-7-05	Personnel Rule #'s 1.1, 1.2, 5.12, 1.3, corrective action/progressive discipline	Whether suspension was for justifiable cause	<i>Appellant received 1-day suspension. 1<sup>st</sup> Pre-Hearing Teleconference Scheduled for October 7, 2005. 2nd Pre-Hearing Teleconference Scheduled for November 10, 2005. Hearing rescheduled for April 27, 2006. Hearing continued to May 2<sup>nd</sup>. Hearing continued to and concluded on May 12<sup>th</sup>. <b>Post Hearing briefs due May 26, 2006. Received post hearing briefs from parties, May 26<sup>th</sup>. Pending decision of Hearing Officer.</b></i>	<b>Gary McLean, CSC Hearing Officer</b>
04-03-010A	DPD	8-11-04	Pers Rules 4.18; 4.34 & 2.1.6C	Re-class, Demotion and Probationary Status	<i>Appellant alleges she was reclassified to another position. Her former position was re-assigned. She was told she failed the probationary period in the "new" position and requested to accept a demotion. 1<sup>st</sup> Pre-hearing scheduled for September 14, 2004. Hearing scheduled for January 20, 2004. On January 21, 2005, Hearing Officer McLean issued an Order Denying Request for Stay. Appellant Withdrew Appeal on January 27, 2005-per Hearing Officer stay denial. Dismissal Order Issued January 31, 2005. At its February 16, 2005 meeting, the Commission agreed to not affirm the Hearing Officer's decision to Deny Request for Stay. The Commission granted a 6-month stay. Appellant accepted the stay of appeal by the letter to Commission on 3-7-05. Appeal "stayed" until September. Full Commission Hearing, September 21, 2005. November 16, 2005 the Commission issued a <b>Memorandum Decision and Order</b> stating that Ms. Ramos was not probationary at the time of her demotion. The Commission has jurisdiction and the Respondent's motion to dismiss was denied. Delegated to the office of the Hearing Examiner.</i>	<b>Cmsn.</b>

CITY OF SEATTLE CIVIL SERVICE COMMISSION  
MONTHLY CASE STATUS REPORT  
3<sup>rd</sup> Quarter 2006

DELEGATED TO THE OFFICE OF THE HEARING EXAMINER

CASE #	DEPT.	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY/STATUS	STATUS
06-01-006	SEA CTR	4-13-06	Personnel Rules 1.3.3 C 4 & 5 retaliatory discharge, denial of due process rights, and other basis as amended by counsel	Whether discharge was for justifiable cause. Whether due process rights were observed in the administration of the disciplinary process.	<i>Appellant alleges termination was not for justifiable cause and due process rights were not observed in the administration of the disciplinary process.</i> 1 <sup>st</sup> Pre-hearing Conference Scheduled for May 26, 2006. Hearing schedule July 11-13, 2006. Hearing/closing arguments held on July 21, 2006. <b>Hearing continued until September 29, 2006.</b>	<b>OHE</b>
04-03-010B	DPD	08-11-04	Pers. Rules 4.1.8, 4.34 & 2.1.6C	Re-class, Demotion and Probationary Status	<i>Delegated to the Office of the Hearing Examiner after the Civil Service Commission issued on November 16, 2005 a <b>Memorandum Decision and Order</b> stating that Ms. Ramos was not probationary at the time of her demotion. The Commission has jurisdiction and the Respondent's motion to dismiss was denied.</i> Pre-hearing scheduled January 4, 2006. Hearing scheduled June 1, 2006. <b>3<sup>rd</sup></b> Pre-hearing scheduled for June 22, 2006. Parties have reached a settlement in principle of most of the issues. <b>July 3, 2006 Hearing Examiner issued an Order on Motion for Award of Back Pay, and Disposing of Appeal. Commissioner Steven Jewell, Reviewing Officer. Appellant filed a Petition for Review July 11, 2006. Respondent filed Motion in Opposition to Appellant's Petition for Review July 18, 2006. Commission to review at its next meeting scheduled September 20, 2006.</b>	<b>OHE</b>

CITY OF SEATTLE CIVIL SERVICE COMMISSION  
CASE STATUS REPORT  
3rd Quarter 2006

CLOSED APPEALS

CASE #	DEPT.	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY/STATUS	STATUS
06-01-009	Parks	6-22-06		Whether discharge was for justifiable cause.	<i>Appellant alleges he was not probationary at the time of discharge. Appellant believes that his probation was over but forgotten. <b>Appellant was probationary at time of discharge.</b></i>	<b>CSC Issued Dismissal Order 7/18/06</b>
06-01-002	Parks	2-3-06		Whether discharge was for justifiable cause	<i>Appellant alleges he was terminated after fulfilling the agreement with the department to obtain and complete the tasks recommended by the SAC. Pre-hearing conference scheduled for February 23, 2006. Hearing scheduled for April 6, 2006. Hearing continued to May 25, 2006. <b>Appellant withdrew appeal.</b></i>	<b>CSC Issued Dismissal Order 5/24/06</b>
06-01-001	SDOT	1-27-06	Article XVI of the City Charter, Personnel Ordinance 4.04	Whether suspension was for justifiable cause.	<i>Appellant was advised via memo that she was being placed on Administrative reassignment effective 1/10/06 until further notice. Appellant alleges it's a violation of the Memorandum of Agreement that was signed on 8/23/05. 1<sup>st</sup> Pre-hearing conference scheduled March 8, 2006. <b>Hearing scheduled for May 15, 2006. Parties reached a settlement, appellant withdrew appeal. OHE issued a Dismissal Order May 8, 2006.</b></i>	<b>CSC Issued Dismissal Order 5/11/06</b>
6-01-004	SDOT	2-17-06	Whether demotion/suspension was for justifiable cause.	Whether suspension was for justifiable cause.	<i>Appellant was notified on 1/31/06 that the department would no longer adhere to the Memorandum of Agreement signed on 8/23/05. 1<sup>st</sup> Pre-hearing Conference scheduled March 8, 2006. Hearing scheduled for May 15, 2006. <b>Parties reached a settlement, appellant withdrew appeal. OHE issued a Dismissal Order May 8, 2006.</b></i>	<b>CSC Issued Dismissal Order 5/11/06</b>

CITY OF SEATTLE CIVIL SERVICE COMMISSION  
CASE STATUS REPORT  
3rd Quarter 2006

CLOSED APPEALS (CONTINUED)

CASE #	DEPT.	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY/STATUS	STATUS
05-01-009	Sea Ctr.	12-20-05		Whether the appeal that was filed and dismissed by Executive Director was timely filed	<i>Appellant alleges she was suspended and not on leave when appeal was filed and then dismissed by Executive Director. Appellant is appealing dismissal. Hearing scheduled with Commission on January 18, 2006. Appellant's attorney sent via fax a request for continuance on January 18<sup>th</sup> 45 minutes prior to the start of the hearing. The Commission took the matters before it under advisement, deliberated in closed session, and decided it had sufficient uncontested evidence before it to rule on the jurisdictional issue, and the appellants' motion for continuance of the hearing was moot. The Commission issued a Decision &amp; Order on February 7, 2006 Dismissing the appeal with prejudice. February 22, 2006 Appellant filed Motion for Reconsideration. March 2, 2006 Commission issued Order Setting Schedule for Appellant's Motion for Reconsideration. Commission to reconsider at March 15, 2006 meeting. <b>The Commission reconsidered the Appellant's motion at its 3/15/06 meeting. The appellant did not raise any new evidence regarding the dispositive jurisdictional issue. The motion was denied</b></i>	<b>CSC Issued Dismissal Order 4/25/06</b>
05-01-010	Sea Ctr.	11-28-05		Whether discharge was for good cause.	<i>Appellant discharged. 1<sup>st</sup> Pre-hearing Conference scheduled for December 14, 2005. Hearing scheduled for February 1, 2006. Findings and Decision issued by Office of Hearing Examiner. <b>Commission affirmed decision at its February 15, 2006 meeting.</b></i>	<b>CSC Issued Dismissal Order 2/21/06</b>

CLOSED APPEALS (CONTINUED)

CITY OF SEATTLE CIVIL SERVICE COMMISSION  
MONTHLY CASE STATUS REPORT  
3<sup>rd</sup> Quarter 2006

CASE #	DEPT.	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY/STATUS	STATUS
05-01-004	Light	6-8-05		Whether discharge was for justifiable cause	<i>Alleges dept. violated City's Drug Free Work Place policy.</i> 1 <sup>st</sup> Pre-hearing conference held July 5 <sup>th</sup> . 2 <sup>nd</sup> pre-hearing conference schedule for August 29 <sup>th</sup> cancelled due to resignation of Hearing Officer. Appeal delegated to the Office of the Hearing Examiner, August 22, 2005. Pre-hearing scheduled September 8, 2005. Appellant was "no-show" for pre-hearing. Order to "show cause" issued 9/8/2005. Order on Show Cause September 14, 2005. 2 <sup>nd</sup> Pre-hearing Conference, October 3, 2005. Hearing Scheduled December 13, 2005. Decision issued by the Hearing Examiner. <b>Commission affirmed the decision of the Hearing Examiner at its January 18, 2006 meeting.</b>	<b>CSC I/ssued Dismissal Order 1/18/06</b>

PENDING BEFORE A COURT OF LAW

CASE #	DEPT.	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY
97-01-006	Seattle Center	3/10/97	Suspension Discharge	Suspended without cause. Claims Last Chance Agreement signed under duress. Discharge without just cause.	Hearing Examiner issued decision on 9/9/97 upholding timeliness on one part of Appellant's motion, but not on another. Court of Appeals remanded case to CSC for review. (CSC believes it does not have jurisdiction over appellant.) Case remains inactive, as Appellant has not pursued since mandate issued by Court of Appeals. Followed up with Law Department 3/4/05 re status of case. <b>Case is still pending.</b>
97-01-016	Parks	8/5/97	Suspension Discharge	Lay-off in violation of Pers Rules	<i>Appellant was Intermittent and appeal was not timely filed</i> Superior Court issued order 2/29/00 reversing CSC. Decision entered 8/17/01, reversed and remanded to trial court to consider appellant's petition. Remains in the discovery phase, no trial date set yet. Followed up with Law Department 3/4/05 re status of case. Case is still pending. <b>Court stayed case pending outcome of "Glaser" case.</b>